

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action
No. 99-10371-DJC

V.

June 12, 2013

JAMES J. BULGER,

Defendant.

11 | TRANSCRIPT OF OPENING STATEMENTS

JURY TRIAL DAY 1

BEFORE THE HONORABLE DENISE J. CASPER

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

22 DEBRA M. JOYCE, RMR, CRR
Official Court Reporter
23 John J. Moakley U.S. Courthouse
1 Courthouse Way, Room 5204
24 Boston, MA 02210
617-737-4410

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PROCEDINGS

2 (The following proceedings were held in open
3 court before the Honorable Denise J. Casper, United States
4 District Judge, United States District Court, District of
5 Massachusetts, at the John J. Moakley United States Courthouse,
6 1 Courthouse Way, Boston, Massachusetts, on June 12, 2013.)

* * * * *

8 MR. KELLY: Yes, thank you, your Honor.

9 | Good morning.

09:33 10 This is my chance to give you an overview of the case.
11 It's a case about organized crime, public corruption, and all
12 sorts of illegal activities ranging from extortion to drug
13 dealing to money laundering to possession of machine guns to
14 murder, 19 murders.

15 It's about a criminal enterprise, which is a group of
16 criminals, who ran amok in the City of Boston for almost 30
17 years. So you'll hear about crimes in the '70s, the '80s, and
18 the '90s. And at the center of all this murder and mayhem is
19 one man, the defendant in this case, James Bulger.

09:34 20 You will hear that eventually, while he started out as
21 just one of many members of this enterprise, eventually he took
22 control. He became the leader. And he was no ordinary leader.
23 He did the dirty work himself, because he was a hands-on
24 killer.

25 Let's go back to the summer of 1983. There was a man

1 named Arthur Barrett, everyone called him "Bucky," "Bucky"
2 Barrett. By all accounts, a likable guy, wife, two little
3 kids, owned a restaurant, and he had a fondness for stolen
4 jewelry that he could resell for a profit. And it's this
5 fondness for jewelry that proved to be his undoing. Because in
6 the summer of '83, he was tricked into going to a small home in
7 South Boston at 799 East Third Street. He was tricked with the
8 false promise that there would be stolen jewelry there that he
9 could assess and then resell for a profit. But, instead, when
09:35 10 he got to that small home, he didn't see any stolen jewelry.
11 What he saw was this man over here, James Bulger, sticking a
12 gun at him, yelling at him to freeze, and "Bucky" Barrett
13 froze.

14 And then "Bucky" Barrett was taken to a chair,
15 handcuffed, and chained to that chair. And then for several
16 hours he was questioned, questioned by this man over here,
17 James Bulger, and his criminal sidekick, Stephen Flemmi. And
18 they questioned him about other criminals in the area, pumped
19 him for information about their criminal competitors.

09:36 20 One of the guys they asked him about was a big dope
21 dealer over in Charlestown, Joe Murray. But they asked him a
22 lot of questions. They wanted information that they could use
23 later on to their own benefit. But eventually they got around
24 to asking him where he kept his money. He admitted that he had
25 cash in his house. So they made him call his wife several

1 times and try to get her to leave the house with the young kids
2 so they could go over and take the money.

3 Finally, she was able do that. She didn't know why
4 she had to leave the house, she just kept getting calls from
5 her husband, "Bucky." When she left the house, Bulger and
6 Flemmi went to the house and helped themselves to over \$40,000.

7 Now, as you will hear from Elaine Barrett herself,
8 she's a witness in this case, she will tell you that that was
9 the last time she heard from "Bucky" Barrett. Because "Bucky"
09:37 10 Barrett, while Bulger and Flemmi were at his house stealing
11 money, was back at the small house in South Boston, still
12 chained to the chair, being watched by two other members of his
13 criminal enterprise, one of whom was a guy named Kevin Weeks.
14 Kevin Weeks watched him as he said his prayers.

15 Bulger and Flemmi got back to the house, and they
16 continued to question him. They also sent Weeks to his
17 restaurant to pick up another \$10,000 that was owed to him.
18 Weeks went and got the \$10,000, brought it back to the house,
19 where Barrett was still chained to the chair. So, all told,
09:38 20 they had over \$50,000, and this was money that was never going
21 back to Barrett.

22 Eventually, Bulger led Barrett to the top of the
23 cellar stairs, and they made a little joke to Kevin Weeks.
24 They said, Barrett's going downstairs to lie down for a while.
25 As Barrett walked down the stairs, this man over here, James

1 Bulger, shot him in the back of the head, killing him.

2 This little house at 799 East Third Street didn't have
3 a regular cement cellar, it was dirt. It was that dirt cellar
4 where "Bucky" Barrett was buried.

5 Bulger didn't get involved in the burial process, he
6 let his other gang members do that. He stayed upstairs and
7 rested on the couch.

8 Now, that's not the last murder that Bulger himself
9 committed at that home in South Boston. But it's crimes like
09:39 10 these, vicious crimes, that made Bulger and his gang widely
11 feared. And that's how they made a lot of money, because this
12 enterprise, whether it's legal or illegal enterprises, always
13 want to make money, and that's what this illegal enterprise was
14 in the business of doing. And they made millions of dollars
15 extorting people.

16 And part of their success was due to their fearsome
17 reputation; that is, other criminals were afraid of them, other
18 criminals would rather pay them off than argue with them or
19 fight with them. And that's what's known as extortion, when
09:40 20 people are forced to pay money because of threats or fear of
21 harm.

22 And this defendant, Mr. Bulger, extorted all sorts of
23 people. He extorted bookmakers. In fact, one of the first
24 witnesses you will hear from in this trial was a bookmaker
25 named Dick O'Brien. He was a bookmaker who was forced to make

1 extortion payments, or rent, as all the bookies called it, to
2 Bulger and his gang. And why? Because bookmakers are guys who
3 make a living taking sports bets for people. So if you want to
4 bet on the Patriots or the Bruins, whatever, you call a bookie
5 or a bookmaker. And it's a crime, obviously not the most
6 serious crime, but a crime nonetheless. And it's actually very
7 profitable. But the bookies who do it are easy prey to the
8 more violent criminals in the community, because the bookies
9 who do it, if they're approached and told they have to pay
09:41 10 rent, don't want to run to the police because then they have to
11 admit in their own wrongdoing, engaged in gambling, but also,
12 they don't want to run to the police because they're afraid of
13 Bulger and his gang. So they all paid rent or tribute or
14 extortion, because they really had no other choice. They
15 couldn't refuse to pay and stay in business. If they refused
16 to pay, they had to get out of business. Because if they
17 refused to pay and still stayed in business, they got hurt.
18 And that's what they had to pay for permission to operate.

19 You'll hear it wasn't just the bookies, it was also
09:41 20 drug dealers in the area. They, too, were afraid of Bulger and
21 his gang, so they, too, had to pay. Sometimes they paid on a
22 frequent basis, so-called rent; sometimes they were fined and
23 had to pay a lump sum.

24 Now, you will hear from several drug dealers who dealt
25 directly with Bulger. You will hear that Bulger liked to

1 promote the myth that he had nothing to do with drugs. But you
2 will hear from these drug dealers that in the 1980s Bulger was
3 deeply involved in the distribution of drugs in the South
4 Boston area, especially cocaine. And he and his gang made
5 millions at it.

6 Now, before I go too far with all the facts in this
7 case, let me give you a brief idea of the charges, because
8 there's going to be a lot of names and places mentioned in this
9 trial, and we will try to be respectful of your time, we'll try
09:42 10 to be efficient, and we'll try to present this case in a
11 chronological fashion. It's like putting a puzzle together
12 piece by piece, but sometimes things have to be taken out of
13 order.

14 So let me give you an idea of the charges in the case.
15 I've got a little chart, not too fancy, really, but it helps
16 give an overview of what we're looking at.

17 Is the chart up?

18 THE COURT: Let me just advise.

19 The jurors in the back row, you each have screens,
09:43 20 every other chair there's something to your right. If you open
21 it up, there's screens you can pull out.

22 (Pause.)

23 THE COURT: Can everyone see now?

24 Thank you.

25 Mr. Kelly.

1 MR. KELLY: Sure.

2 As indicated at the beginning by the Court, there are
3 32 counts or charges in this indictment. It sounds
4 complicated, but in many ways, it's fairly simple.

5 First, there are 23 money laundering charges. That's
6 mostly about real estate transactions that resulted in checks
7 being made out to James Bulger.

8 As you will hear, when people conduct financial
9 transactions, like checks, with dirty money, that is, money
09:44 10 they made through crime, that's money laundering.

11 And there are also two racketeering charges, which are
12 basically about Bulger's criminal gang and all the crimes they
13 committed. Racketeering charges include what's known as
14 predicate acts or underlying crimes like drug dealing,
15 extortion, murder. And to be considered part of a racketeering
16 enterprise, you have to commit or agree to commit at least two
17 racketeering acts. And in this case, Bulger's charged with 33.

18 Now, there are also, as you see, five different
19 gun-related charges about revolvers, pistols, and machine guns;
09:45 20 and there are also two extortion charges, one is a conspiracy.
21 In fact, several of these 32 counts, three of them, are charged
22 as conspiracies. And a conspiracy is basically just an
23 agreement between two or more people to do something illegal,
24 whether it's a money laundering conspiracy or extortion
25 conspiracy or racketeering conspiracy.

1 Now, I said moments ago, that part of the success of
2 Bulger's criminal enterprise was due to its fearsome
3 reputation. Other criminals were afraid of him, made the
4 extortion payments. And that's true. But there was another
5 part to their success, and the other part to their success was
6 public corruption. Because you will hear that Bulger and his
7 friends made a point of paying off members of law enforcement.
8 They did that so they could get tipped off to investigations
9 and stay one step ahead of the honest cops who were actually
09:46 10 trying to make a case against them. So it was part of a
11 strategy they had, and it worked.

12 You will hear about a state trooper named Dick
13 Schneiderhan who took money and gave information to Bulger's
14 group. You will also hear about FBI agents taking money and
15 compromising investigations on behalf of Bulger, tipping him
16 off to investigations that legitimate, honest cops were trying
17 to make against him and his colleagues.

18 And two of the corrupt FBI agents you'll hear the most
19 about are guys named John Morris and John Connolly. And John
09:47 20 Morris, he will appear before you at this trial, and he will
21 admit what he did, and he will testify.

22 Now, who was FBI agent John Connolly? Well, even
23 though, as you will hear, Bulger liked to tell people he didn't
24 like informants, or rats as he used to call them, the evidence
25 in this case will be that Bulger was one of the biggest

1 informants in Boston. Bulger routinely met with FBI agent John
2 Connolly and gave him information, some true, some false, but
3 all designed to protect himself, mislead other investigators,
4 or get the competitive edge that he wanted.

5 Now, this, in turn, leads us to one of the grotesque
6 ironies of this case, because you will hear about one
7 informant, Bulger, killing other people because those other
8 people were suspected of being informants.

9 Let me give you an example. May of 1982, there's a
09:48 10 man named Brian Halloran. He was shot dead about a half mile
11 from here on the South Boston waterfront. Shot dead by James
12 Bulger over there. And with him at the time was another man
13 who died in the hail of bullets that Bulger unleashed, a guy
14 named Michael Donahue, who had the misfortune to just be giving
15 his friend, Brian Halloran, a ride home.

16 So why did Bulger kill these two men? Bulger had
17 learned from his own corrupt FBI connections that Halloran was
18 trying to give information to law enforcement, just like Bulger
19 was doing, only to Bulger, this offended him because Halloran
09:49 20 was trying to give information about Bulger's co-conspirators
21 and colleagues in crime.

22 Halloran was trying to tell the FBI about a murder
23 that had occurred in Oklahoma. The Oklahoma victim was a
24 businessman named Roger Wheeler. Roger Wheeler had refused to
25 sell a Florida business he owned to some Bulger-related

1 co-conspirators, and now Halloran was talking about it. And
2 Bulger didn't like that. In fact, Bulger took action, because
3 he did not want the FBI to learn the truth about Roger Wheeler,
4 because Roger Wheeler was, in fact, shot between the eyes after
5 a round of golf in Oklahoma, sitting in his car, shot by one of
6 his colleagues, John Martorano.

7 So Halloran and his friend Donahue were gunned down in
8 broad daylight in May of '82. And by the time this 1982 murder
9 of Halloran and Donahue had occurred, Bulger and his
09:50 10 co-conspirators had already killed 13 other people, because
11 this little murder spree had been going on since the early
12 '70s.

13 All of these murders were committed to promote or
14 protect Bulger's criminal enterprise or criminal gang, but,
15 like Michael Donahue, some of the murder victims were just in
16 the wrong place at the wrong time.

17 One of the first murders you'll hear about in this
18 case that was part of the racketeering activities was of a guy
19 named Michael Milano. Now, Milano, he had nothing to do with
09:51 20 Bulger, but Milano was in the wrong place at the wrong time.
21 Because in the early '70s, Bulger's gang was feuding with
22 another criminal group headed by a guy named Al Notorangeli,
23 and by the time this feud was over, six people were dead,
24 including Al Notorangeli and his brother Joe. And Bulger's
25 role in several of these Notorangeli-related murders was to

1 drive a second car behind the car that was doing the shooting.
2 Bulger was the crash car, designed to cause an accident to
3 distract the police if they came to the scene and try to get
4 the shooters.

5 Now, Milano -- that's when he did the Milano murder,
6 he was driving the crash car, because his friend, John
7 Martorano, was in the first car doing the shooting. But
8 Bulger's crew basically killed the wrong guy. They shot
9 Milano, but they thought he was Notorangeli. He looked like
09:52 10 him, he drove a Mercedes like him; but it wasn't Notorangeli,
11 it was Milano. And when they were done riddling his car with
12 bullets, Notorangeli wasn't dead, poor Michael Milano was dead.
13 And inside the car with Milano was a friend and the friend's
14 girlfriend. Milano was killed, the friend was paralyzed, and
15 the girlfriend was wounded with a bullet. Her name was Dianne
16 Sussman, and she's going to come before you and testify and
17 tell you about that terrifying day she experienced so many
18 years ago.

19 Now, most of the time Bulger and his gang killed the
09:53 20 person they set out to kill. You'll hear about victims like
21 Eddie Connors. Eddie Connors was bragging too loudly and too
22 much about helping Bulger's gang, and this made him a
23 liability. So -- because in the criminal world, it's important
24 to keep your mouth shut, and he wasn't keeping his mouth shut,
25 he was talking.

1 So, what happened to Eddie Connors? He was told by
2 one of the gang members to go to a phone booth in Dorchester
3 for an important phone call, but when he got there, there was
4 no phone call. Instead, death came calling. Death came
5 calling in the form of this man over here, James Bulger, who
6 riddled that phone booth with bullets. Bulger and his
7 sidekick, Stephen Flemmi, ran towards the phone booth and shot
8 it up, killing Eddie Connors.

9 And I've mentioned now two of Bulger's closest
09:54 10 co-conspirators, John Martorano and Stephen Flemmi. Like the
11 defendant, Bulger, they are killers. And they were part of
12 Bulger's criminal enterprise for many, many years, and both
13 have been charged, both have pled guilty to that. They were
14 prosecuted and pled guilty, and eventually both agreed to
15 cooperate. They pled guilty to participating in murders,
16 extortion, money laundering, racketeering. They will both
17 testify in this case. They will admit to you their crimes, and
18 they will explain to you their friend Bulger's role in those
19 crimes.

09:55 20 Now, you'll hear that Martorano ultimately got a
21 sentence of 14 years, not enough, but you will hear from him,
22 and put this in perspective when you analyze his testimony,
23 that originally he wasn't facing any murder charges.
24 Originally he was facing gambling and money laundering charges,
25 and by pleading guilty and confessing to murder, he basically

1 doubled his punishment. Still not enough. But bear in mind
2 when you listen to him, without his confession, there was never
3 any murder charges against him. But he did confess, and he did
4 cooperate, and he did help solve crimes that had been unsolved
5 for three decades.

6 Now, you will also hear from Stephen Flemmi. He, too,
7 has admitted his role in many murders, and he will tell you
8 about his relationship with James Bulger. Flemmi is serving a
9 life sentence.

09:56 10 And basically Flemmi and Bulger were partners in crime
11 for many, many years. They extorted people, they killed people
12 together, they killed a lot of people together. But, in
13 fact -- in fact, after several, after several of the murders
14 that Bulger and Flemmi committed together, Flemmi pulled the
15 teeth out of the victims in the mistaken belief that that would
16 somehow prevent the bodies from being identified, not
17 anticipating DNA testing years later.

18 So, clearly, Flemmi is a vicious killer, but just as
19 clearly, the evidence in this case will show that he was James
09:57 20 Bulger's partner, partner for many years.

21 Now, Flemmi and Bulger weren't just partners in crime,
22 they were also partners in the informant business. Because,
23 like Bulger, Flemmi also met with FBI agent John Connolly on
24 dozens of occasions and fed him information about criminal
25 rivals. And like Bulger, Stephen Flemmi paid thousands of

1 dollars to corrupt FBI agents. And like Bulger, Flemmi was
2 paying off cops in order to get inside information that would
3 help him and his colleagues escape prosecution from legitimate
4 cops, who were, in fact, investigating them.

5 Now, Flemmi and Bulger were so close that Flemmi
6 bought a house, a house in South Boston right across from
7 Bulger's brother's house. The houses literally face each
8 other. Let me show you a picture of that.

9 On the right, if you're looking at the screen, is the
09:58 10 Flemmi house, Flemmi's mother's house, and on the left is
11 Bulger's brother's house. In the back -- this isn't the best
12 picture, I'll show you another one in a second -- the very back
13 you can see the beginning of a screen house, a cabana, whatever
14 you want to call it, I'm going to call it a screen house. You
15 can actually see it much better from an aerial view.

16 In the top right-hand corner is the screen house.
17 It's a pretty large structure. And that screen house, it's
18 important for a couple of reasons. First of all, it's one of
19 the places that the Bulger gang kept its guns and ammunition,
09:59 20 because Bulger's criminal organization maintained a veritable
21 arsenal of weapons, and that's where they kept a lot of it, so
22 the weapons would be available whenever they needed it.

23 You will hear that a lot of weapons were originally
24 stored in Brookline at another co-conspirator's house, a guy
25 named George Kaufman. And in the late 1980s, Kevin Weeks, the

1 man I mentioned earlier, he brought the guns from Brookline
2 over to that screen house, at Bulger's direction.

3 Now, you will hear from Kevin Weeks himself as well,
4 because he, too, was prosecuted and pled guilty. He, too,
5 ultimately agreed to cooperate, and he will tell you about
6 these guns in the screen house.

7 And at one point, shortly after bringing the guns to
8 the screen house, Bulger wanted his own little stash, his own
9 little set, in case Flemmi wasn't around and Bulger needed guns
10:00 10 quickly. So you'll hear how Flemmi bagged them up and Weeks
11 took them from Flemmi and hid them for Bulger for many years.
12 And those are the 14 guns at issue in this case. They include
13 several revolvers and pistols, but six machine guns.

14 And let me show you a picture, if I could, of some of
15 those. On the right-hand side and in the middle are the
16 machine guns I just mentioned.

17 Now, these are machine guns and pistols and revolvers
18 there. These aren't the only guns that you're going to hear
19 about in this case. Because you'll hear how the State Police
10:00 20 and the DEA in January of 2000 searched the screen house I just
21 showed you. They got a search warrant, went to the screen
22 house in South Boston, and looked for what they hoped would be
23 a stash of weapons.

24 Unfortunately, when they got there, they only found
25 one handgun and some ammunition, some miscellaneous items,

1 because the guns that had been stashed there had been moved,
2 moved by Flemmi's son. Because Flemmi had found out -- Flemmi
3 was still in prison, Flemmi had found out that Kevin Weeks was
4 cooperating. So he sent his son to get the guns out of there.
5 So his son bagged up the guns and got them out of there.

6 His son was a man named William St. Croix, different
7 last name, but he was, in fact, the son of Stephen Flemmi. And
8 you will hear from him in this trial as well. He, too, will
9 testify. And he'll tell you how his dad, Stephen Flemmi, told
10:01 10 him to get over there, get rid of those guns, because Weeks has
11 turned, Weeks is cooperating.

12 So St. Croix did what his dad asked him to do, and he
13 lugged some of the guns, the better ones, down to Florida where
14 he was living, and he buried a bunch of them in Somerville in a
15 piece of property he had access to. But because St. Croix also
16 eventually cooperated with the police, the police were able to
17 find this part of the Bulger arsenal.

18 Now, I said that the screen house was important for
19 two reasons, and it is. Because the second reason is that that
10:02 20 screen house was the scene of a vicious extortion that you'll
21 hear about. Because -- and they extorted a businessman named
22 Richard Buccheri, general contractor, at that screen house.
23 Because Bulger and his crew didn't just demand rent and levy
24 fines on drug dealers and bookies, sometimes they extorted
25 businessmen who had the misfortune of crossing their paths.

1 And that's what happened to Richard Buccheri.

2 Mr. Buccheri is also somebody who will come into this
3 courtroom and testify before you.

4 Mr. Buccheri found himself in a jam because he gave an
5 opinion about a fence that was involved in a property dispute
6 in Quincy. Now, unbeknownst to him, this fence and this
7 property dispute affected Kevin Weeks. And because it affected
8 Kevin Weeks, Bulger's younger sidekick, Buccheri was in
9 trouble. And Buccheri, who knew Flemmi, was summoned to the
10:03 10 screen house. In fact, Buccheri had built the screen house
11 years earlier.

12 But when he got there this time to the screen house
13 that he had built, it wasn't for a building project. Because
14 when he got there this time, who does he encounter? He
15 encounters an angry James Bulger, sticking a gun in his mouth,
16 yelling at him, berating him. Some nerve giving your opinion
17 about a property matter that affects his friend.

18 Buccheri, of course, didn't want to argue. He quickly
19 agreed to the fine that Bulger imposed; that is, an extortion.
10:04 20 He quickly agreed to pay \$200,000 so he could get himself the
21 heck out of there.

22 And so he was lucky enough to escape the screen house.
23 And he did leave. And you will hear how he then had to come up
24 with \$200,000. So he had to mortgage a property, and he wrote
25 out a check for \$200,000 to Stephen Flemmi, Bulger's sidekick,

1 and then Flemmi cashed the check and split up the cash with
2 Bulger, Flemmi, and Weeks. And we have a copy of the check,
3 it's a lousy copy, it's a copy of a copy, but a copy
4 nonetheless. Let me show you that.

5 See, that's the check from Buccheri to Flemmi for
6 \$200,000. And that's what Mr. Buccheri used to get himself out
7 of trouble with Bulger's gang.

8 Now, Kevin Weeks, as you will hear, did more than just
9 store guns and facilitate extortions for Bulger. He also
10:05 10 helped launder money for Bulger. Because criminals need a way
11 to get their money into the banking system, and they often try
12 to make it look like they have legitimate income and assets.
13 And as I said earlier, when people conduct financial
14 transactions with dirty money, money they earn through crime,
15 that's a form of money laundering.

16 And you'll hear about a business and a property, piece
17 of property in this case called the South Boston Liquor Mart,
18 originally called Stippo's after the original owner. And
19 you'll hear how Bulger obtained that, obtained it with dirty
10:06 20 money, and with the help of a handgun.

21 And you'll hear of subsequent real estate transactions
22 that were conducted by Bulger and his gang, elaborate
23 transactions designed to hide the people with true interest,
24 all culminating in checks to Bulger years later, checks that
25 are financial transactions that are a form of money laundering.

1 Let me show you an example, if I could, of one of
2 those many checks that you will see during the course of this
3 trial. It was made out years after they acquired the property
4 with dirty money and extortion from a thing called "Shamrock
5 Reality Trust." It's made payable to Bulger. These checks are
6 considered financial transactions and are the basis for many of
7 the money laundering charges in this case, which is basically
8 taking money that comes from criminal activity and doing things
9 that make it look like legitimate activity, like real estate
10:07 10 transactions.

11 You will hear that the delivery of cash can also be a
12 form of money laundering, and you'll hear about that, too, how
13 Bulger authorized the delivery of cash to John Martorano at one
14 point. Martorano was in jail in Plymouth, his family was in
15 need of monies, so in order to maintain the peace in the
16 enterprise, it was decided that he would get some money from
17 this secret fund they called the X Fund they kept to pay off
18 law enforcement or for emergencies.

19 So Kevin Weeks arranged for a delivery of cash that
10:08 20 ultimately went to Martorano's family. This is delivery of
21 cash, which is another form of money laundering.

22 You'll also hear in this case that Kevin Weeks helped
23 coordinate activities with drug dealers, especially with a man
24 named Joe Murray, the man "Bucky" Barrett had been quizzed
25 about. Because, ultimately, Murray became a source of cocaine

1 for Bulger's organization. In fact, Murray, at one point, at
2 Bulger's direction, provided over 50 pounds, 50 pounds of
3 cocaine directly to Kevin Weeks, and then again at Bulger's
4 direction Weeks parcelled some of the cocaine out to the other
5 drug dealers that were part of Bulger's organization.

6 Now, Weeks, who, as I said, will testify, he did even
7 more than drug dealing. He also helped -- he helped bury
8 bodies for Bulger. And while Weeks himself did not kill
9 anyone, he was there several times when Bulger killed people.

10:09 10 For instance, Weeks was the lookout when Brian
11 Halloran and Michael Donahue got shot down on the South Boston
12 waterfront. He was actually sitting there and was the lookout
13 and was supposed to tell Bulger when Halloran came out of the
14 restaurant. So he'll testify about that.

15 And Weeks was there on three, three separate occasions
16 when Bulger killed people at 799 East Third Street. A little
17 house just down the Street from the Bulger/Flemmi compound that
18 I showed you earlier. And you'll hear about this house, it was
19 owned by the brother of another gang member and it was
20 occasionally available for criminal use because that brother
21 would go on trips to New Hampshire and Bulger and his gang
22 would occasionally use it.

23 And the first murder that occurred there was the one I
24 already told you about, the one of "Bucky" Barrett. But,
25 unfortunately, that's not the last murder which Bulger himself

1 committed at that property. Because the next victim was John
2 McIntyre. Because a year after Bulger killed Barrett, in the
3 fall of 1984, a guy named John McIntyre was arrested for drunk
4 driving. And he began talking, he began cooperating with
5 several different agencies, the DEA, the Quincy police, the
6 FBI, and the U.S. Customs agency. In fact, in this case,
7 you'll hear directly from a former Customs agent, a guy named
8 Don DeFago, who dealt directly with McIntyre.

9 You'll hear that McIntyre was an experienced sailor.
10:11 10 He fancied himself an IRA sympathizer. And he helped, at one
11 point, bring a boatload of weapons, literally, a boatload of
12 weapons on a ship called the VALHALLA to the Irish coast. But
13 the weapons never made it to Ireland, because the ship itself
14 was intercepted by the Irish authorities. So the boat, the
15 VALHALLA, and McIntyre came back to Boston. In fact, you'll
16 hear some of the guns on that boat were from Bulger's gang.

17 But, anyway, McIntyre gets back to Boston, goes out,
18 gets himself drunk, starts talking to the cops. And he was,
19 for a while, a productive cooperating witness. In fact, you'll
10:12 20 hear from Don DeFago that McIntyre gave some of the information
21 that led to the seizure of 36 tons, 36 tons of marijuana on a
22 boat called the RAMSLAND.

23 Now, McIntyre did not have a very long career as an
24 informant because he soon disappeared, and he disappeared
25 because Bulger suspected that he was, in fact, an informant.

1 And in order to determine whether, in fact, McIntyre was an
2 informant, Bulger had McIntyre invited back to that house at
3 799 East Third Street, told him it was a -- a gang member told
4 him there was going to be a party there.

5 So you'll hear testimony that McIntyre arrives with a
6 case of beer, but there's no party. What there is, is James
7 Bulger, this man over here behind me, the defendant, once
8 again, like with Barrett, pointing a gun at the man who comes
9 in the door, this time, John McIntyre.

10:13 10 Now, like Barrett, McIntyre was led to a chair and
11 chained to the chair. And like Barrett, he was questioned
12 repeatedly by Bulger and Flemmi. And McIntyre soon admitted
13 that he had been cooperating. And that was like sealing his
14 own death sentence, because after he admitted that, the
15 questioning continued for a while.

16 And then McIntyre was led downstairs to that basement
17 at gunpoint and McIntyre was placed on a chair and then this
18 man over here, the defendant, James Bulger, tried to choke him
19 to death with a rope. But the rope was too thick, couldn't
10:14 20 kill him, all it did was make him gag. So as he was gagging,
21 Bulger asks him, You want one in the head? And McIntyre says,
22 Yes, please. And at that point Bulger shoots him in the head.
23 And then, like Barrett, McIntyre is buried in the dirt floor.

24 Now, several months later after this murder, this
25 murder of McIntyre, Kevin Weeks was told by Bulger to go back

1 to that house. They were going to meet Stephen Flemmi,
2 Bulger's long-time criminal partner, partner in crime and
3 partner in the informant business; and Weeks was told Flemmi
4 was coming by with his stepdaughter, Deborah Hussey. But Weeks
5 was relieved when he heard that Flemmi was coming by with his
6 stepdaughter. He thought with her around, nothing bad would
7 happen. But Weeks was wrong. Because years earlier, Hussey
8 had been molested by Flemmi, and she had a tough life, and as
9 you will hear in this case, a much tougher death, a death at
10:15 10 the hands, literally, at the hands of Bulger. Because Hussey
11 was getting in trouble with the police, and she was seen as a
12 threat to Flemmi, might be able to get Flemmi arrested.

13 So, Weeks was upstairs using the bathroom when he
14 heard Flemmi and Deborah Hussey arrive. What does he hear
15 next? He hears a big thud, like someone falling to the floor.
16 Because, in fact, that's what was happening. Deborah Hussey
17 was falling to the floor as James Bulger strangled her,
18 strangled this young woman to death. And then she, too, like
19 "Bucky" Barrett and McIntyre, was buried in a dirt grave in the
10:16 20 basement.

21 So that's what we're dealing with here in this case, a
22 hands-on killer who is the leader of an extensive criminal
23 enterprise.

24 Now, this enterprise, or group of criminals, in the
25 early days was known as the Winter Hill Gang or the Hill.

1 Sometime later on it was called Southie because that's where
2 Bulger was from, but in the early days it was known as the
3 Winter Hill Gang or the Hill, and that's after a section up in
4 Somerville.

5 And the leadership of this group changed over time.
6 Originally Bulger and Flemmi were one of several leaders of
7 this group, but eventually, Bulger and Flemmi seized control.

8 And let me show you a picture in '75, the main guys in
9 this criminal enterprise were Bulger, Flemmi, Martorano, Howie
10:18 10 Winter, Joe McDonald, and Jimmy Sims. Now, the fact that
11 Winter's last name was Winter, that has nothing to do with the
12 fact that it's called the Winter Hill Gang. It's just a
13 coincidence that the group was from the Winter Hill section of
14 Somerville.

15 Now, in the '80s, Bulger and Flemmi seized control,
16 because three of these guys became fugitives; that is, they ran
17 away from Boston from federal charges. Martorano ran away,
18 McDonald ran away, Sims ran away, and Howie Winter went off to
19 jail, leaving Bulger and Flemmi, who were soon joined by a
10:18 20 younger criminal named Kevin Weeks, who I've mentioned.

21 And it's during the 1980s, that's when Bulger and his
22 crew made a ton of money selling drugs, especially cocaine.
23 And there were lots of people involved in this drug side of
24 their business. It was a business. Even though it was
25 illegal, its purpose was to make money.

1 Let me put up one last chart and go through some of
2 the names of people who you will hear about in this case.

3 Now, as I indicated earlier, some of the drug dealers
4 were simply extortion victims, had to pay rent or were levied a
5 fine, guys like Frank Lepere, you'll hear about, giant
6 marijuana dealer back in the '80s. He had to pay all the time
7 when he brought a load of marijuana into the Boston area.

8 Another two guys, Anthony Attardo, David Lindholm,
9 they were simply extorted -- not simply, but they were extorted
10:19 10 on one occasion, and you'll hear from them as well.

11 There were other dope dealers who were part of this
12 network who were both extorted and supplied drugs to Bulger's
13 operation. For instance, that man I mentioned before, Joe
14 Murray, who "Bucky" Barrett was questioned about, he began
15 supplying cocaine to Bulger's organization. And as you will
16 hear, at the end, when he no longer wanted to be part of this,
17 he was forced to make a severance payment, a big extortionate
18 severance package of \$500,000 in cash that he had to pay to
19 Bulger over by the Boston aquarium.

10:20 20 But you will hear directly from some of these drug
21 dealers, including William Shea, Billy Shea, in the middle. He
22 eventually became the main guy for the cocaine dealing in
23 Southie under Bulger's control. And he will come before you
24 and testify, and he'll tell you how Bulger used to come over
25 his house all the time. Kevin Weeks would generally drive him

1 there, and they would discuss lots of things, including the
2 drug business. And you will hear from Shea that he had a
3 variety of sources for the drugs, but at one point when he was
4 getting cocaine from a couple of Colombians, the supply wasn't
5 there. So Bulger, Bulger himself set up a new source of
6 cocaine for Shea and the organization. Bulger, Bulger himself,
7 told Shea, Let's go meet with a guy from Charlestown. It
8 turned out to be Murray. Bulger himself arranged to meet with
9 Murray. And Bulger himself brought money to the deal, as did
10 Shea, and that was the beginning of a relationship with Murray
11 when Murray supplied cocaine.

12 In fact, shortly after this original meeting, set up
13 by Bulger, with Shea, with this other drug dealer, Kevin Weeks
14 was instructed by Bulger, Go meet with Murray and pick up some
15 coke. And Weeks picked up two large toolboxes containing over
16 50 pounds of coke. And then subsequently, at Bulger's
17 direction, he parcelled some of it out, some to Shea, some to a
18 couple of other individuals, and then actually returned a lot
19 of it to Murray because it wasn't -- it was needed in
20 Charlestown rather than Southie.

21 Now, Weeks is also going to testify in this case he
22 received a reduced sentence from a federal judge based upon his
23 cooperation. As he will tell you, he testified at several
24 trials. And he also took investigators directly to the bodies
25 of "Bucky" Barrett, John McIntyre, and Deborah Hussey. But he

1 didn't take them to the basement of 799 East Third Street. He
2 took them to a little field across from Florian Hall in
3 Dorchester, because the bodies were actually dug up and moved
4 on Halloween in 1985. And Weeks will tell you about that
5 gruesome process. He'll tell you how Bulger and Flemmi decided
6 that the bodies had to be moved because the house was going to
7 be sold, and they didn't want the bodies being discovered. And
8 Weeks, as I said, he'll tell you about this gruesome task.

9 But the bodies were eventually discovered, because on
10:23 10 a freezing cold night in January of 2000, the State Police and
11 the DEA went to a little field in Dorchester across from
12 Florian Hall, and there, Kevin Weeks pointed to a spot where he
13 said there would be three bodies. And in fact, that's where
14 the law enforcement began digging, and eventually they pulled
15 three skeletons from the earth, three skeletons of John
16 McIntyre, Deborah Hussey, and "Bucky" Barrett.

17 Now, this case will have a lot of witnesses, a lot of
18 pieces of evidence, and like I said earlier, it's like putting
19 a puzzle together. And you will hear that a lot of the
10:24 20 witnesses originally refused to testify when they were called
21 before a grand jury, either because they didn't want to admit
22 their own crimes or it was because they were afraid of Bulger
23 and his gang. And when that happens, when a person goes to a
24 grand jury that's investigating something, they have a Fifth
25 Amendment right to refuse to answer questions, but a court

1 order can be issued, sometimes called a compulsion order or an
2 immunity order, an order that means the person can talk without
3 fear of getting prosecuted for what they say. So the
4 compulsion order or the immunity order supplants that person's
5 Fifth Amendment right.

6 Now, you will hear that in this case sometimes the
7 witness even refused to testify, despite the issuance of the
8 court order. And when that happens, as you will hear from
9 these witnesses, the witnesses are held in contempt and sent
10 off to jail until they agree to testify.

11 For example, remember that bookie, the bookmaker, Dick
12 O'Brien we talked about at the beginning of this? Well, he was
13 called to a grand jury, and he refused to testify. He was
14 immunized; that is, a court order was issued compelling him to
15 testify. Despite that, he refused to testify. As he will tell
16 you, he didn't want -- he was more afraid of Bulger and his
17 gang than that court order. So he went off to jail.

18 And government bureaucracy being what it is, they sent
19 him to jail and put him next to Flemmi and Martorano. And they
20 suggested to him, a suggestion he took, was that he could go
21 back to the grand jury and simply lie, blame it on a sick and
22 dying co-conspirator named George Kaufman. So that's what he
23 did, went back and told some story about George Kaufman being
24 responsible for everything, and he was released.

25 What you will hear, that -- years later -- when John

1 Martorano agreed to cooperate, O'Brien was no longer afraid.
2 O'Brien came back to the grand jury and told the rest of the
3 story.

4 Now, eventually, Bulger was indicted or charged with
5 his many crimes. Unfortunately, one of Bulger's corrupt law
6 enforcement contacts, John Connolly, was able to tip him off,
7 tip him off about the impending charges. So what does Bulger
8 do? He runs away and hides. He hides for almost 16 years in
9 California. But, as you will hear, his luck eventually runs
10:27 10 out, because in the summer of 2011, honest FBI agents who were
11 tracking him did in fact track him and arrest him. When those
12 honest FBI agents arrested him, they found guns; they found
13 fake IDs; and they found cash, over \$800,000 in cash.

14 At that point, Bulger was brought back to Boston, and
15 now here we are with an indictment of -- containing, as I said,
16 32 counts, the 23 money laundering charges that I went through;
17 a couple of racketeering charges; five gun counts, mostly
18 machine guns; and two extortion counts.

19 Now, the racketeering acts -- the racketeering
10:28 20 charges, excuse me, consist of a lot of racketeering acts,
21 including 19 murders, and I've been able to touch upon a few of
22 them. But you will hear evidence in this case that this
23 defendant, James Bulger, and his gang were responsible for over
24 19 murders, 19 different people over almost 30 years of crime.

25 You will hear about Michael Milano, Al Plummer,

1 William O'Brien, James O'Toole, Al Notorangeli, James Sousa,
2 Paul McGonagle, Edward Connors, Thomas King, "Buddy" Leonard,
3 Richard Castucci, Roger Wheeler, Debra Davis, Brian Halloran,
4 Michael Donahue, John Callahan, "Bucky" Barrett, John McIntyre,
5 and Deborah Hussey. And that, ladies and gentlemen, is what
6 this case is about, a defendant, James Bulger, who was part of
7 a criminal gang which extorted people, paid off cops, earned a
8 fortune dealing drugs, laundered money, possessed all sorts of
9 guns, and murdered people, 19 people.

10:31 10 And so, at the end of this case, one of my colleagues
11 will stand up before you and ask you to return the only verdict
12 that the evidence in this case supports, and that would be a
13 verdict of guilty as charged.

14 Thank you for your attention.

15 THE COURT: Mr. Carney.

16 MR. CARNEY: Thank you, your Honor.

17 Good morning.

18 My name is Jay Carney, and with my co-counsel, Hank
19 Brennan, we'll be representing the defendant, James Bulger.

10:32 20 When we were appointed by a judge in this court to
21 represent him, we knew we had a challenging task. We hope when
22 we present our case to you, you will see the results of all the
23 work we have done to dig into this case and present to you what
24 the truth is.

25 Before I go any further, I do want to thank you on my

1 behalf, Hank's behalf, and Jim's behalf for the extraordinary
2 sacrifice that each and every one of you has made to serve as a
3 juror on this case. You saw how many people were called to
4 jury duty and how after the first day so many people were
5 excluded because they were either not able to make the
6 sacrifice or willing to make the sacrifice that each of you
7 made.

8 We're going to be together for a number of months, but
9 I don't want you to think any day goes by where we are not
10:33 10 sincerely appreciative for the time, sacrifice you've given up
11 to search as a juror on this case.

12 In listening to Mr. Kelly's opening statement kind of
13 reminded me of a restaurant and how when you go to a
14 restaurant, you're served a meal, and the food has been
15 prepared in the kitchen. By the time it gets to your table,
16 there's a beautiful presentation. A lot of time has been spent
17 on it to make it look as appealing as possible. And that's
18 sort of like what it is when the government presents a witness
19 in the courtroom. They've spent a lot of time with the
20 witness, they've done a lot of negotiating with the witness,
21 things have evolved with the witness, and then it leads to the
22 point where the witness is ready to come to the courtroom and
23 testify, just like food when it's brought to your table.

24 What Hank and I are going to do is try to show you
25 what happens in the prosecutor's kitchen before this witness

1 gets out here and tell you things that went on that Mr. Kelly
2 didn't tell you and the factors that shaped not just the
3 witness, but more importantly, what the witness is going to be
4 saying to you.

5 In my opening statement, I'm going to break it up into
6 two parts. The first is going to give you the background of
7 what Boston was like from a federal law enforcement
8 perspective, from the '60s right up until the mid '90s, because
9 that's important to put in context what was going on and why it
10:35 10 was going on.

11 What happened was, beginning with Robert Kennedy when
12 he was the Attorney General and J. Edgar Hoover when he was the
13 head of the FBI, was that a commitment was made, a focus was
14 made by federal prosecutors and the FBI to smash the
15 organization known as the Mafia. This became a nationwide
16 crusade on the part of every prosecutor and the majority of the
17 FBI agents working for the federal government.

18 The Department of Justice is the overall agency headed
19 by the Attorney General. The U.S. Attorney's Office works for
10:36 20 that office. The FBI works for the Department of Justice.
21 Even specialized groups like an Organized Crime Strike Force
22 work for that office, and their mandate was to do everything
23 they can to smash the Mafia.

24 The success of people working for the Department of
25 Justice was often dependent upon how successful they were in

1 getting indictments and convictions of the Mafia. If they were
2 successful, they received pay increases, promotions, bonuses,
3 awards. This was the number one priority.

4 In New England, the focus was on the Mafia in the
5 North End of Boston and in the city of Providence, Rhode
6 Island.

7 One of the strategies that the FBI used was to develop
8 people that they characterized as Top Echelon Informants.

9 These were people who were connected to the Mafia, who either
10:38 10 held a prominent role or an assisting or supportive role, and
11 they agreed to provide information to the FBI and the federal
12 prosecutors that cases would be built on.

13 Stephen Flemmi, one of the three primary witnesses
14 being called in this case by the government, he was a Top
15 Echelon Informant and provided information to the FBI and to
16 the prosecutors about what he knew concerning his friends in
17 the Mafia, also known as La Cosa Nostra.

18 The top FBI agent in Boston handling this was John
19 Connolly. The top prosecutor was Jerry O'Sullivan.

10:38 20 Connolly was known nationwide as an extraordinary FBI
21 agent, primarily because of the informants he developed. He
22 had 20 Top Echelon Informants who were providing information
23 against the Mafia in Boston and in Providence. He was able,
24 with the assistance or the leadership of Jerry O'Sullivan, to
25 obtain indictments and secure convictions. John Connolly was

1 the FBI golden boy because of this ability to provide
2 informants.

3 But what happened is all of this acclaim, these
4 raises, these promotions, these awards went to his head. John
5 Connolly thought he was a rock star, and he became greedy.

6 Now, James Bulger never ever, the evidence will show,
7 was an informant for John Connolly. The evidence will show
8 that he was never an informant for John Connolly. There were
9 two reasons for this. Number one, James Bulger is of Irish
10:40 10 descent, and the worst thing that an Irish person could
11 consider doing was becoming an informant because of the history
12 of the troubles in Ireland. And that was the first and
13 foremost reason why James Bulger was never an informant against
14 people.

15 The second reason was a practical one. James Bulger
16 was not deeply tied to the Italian Mafia. You'll hear that La
17 Cosa Nostra centered on people of Italian, in particular,
18 Sicilian descent. They wouldn't let someone who wasn't of that
19 background be knowledgeable about what was going on in their
20 activities. They could pal around, they're like people who are
21 in the same business, they can certainly be seen together and
22 hang out together, but Bulger would never be provided with
23 information that he could give, even if he wanted to. And
24 Bulger was never an informant.

25 But as Bulger learned when he met with John Connolly,

1 there was something else that he could provide Connolly with:
2 he could provide him with money, because Connolly wanted to
3 live the lavish lifestyle, and Jim Bulger had the money to help
4 him do so. He wasn't paid small amounts of money. James
5 Bulger paid John Connolly on occasion \$5,000, on other
6 occasions \$10,000, on still other occasions \$50,000. He paid
7 this money, and Connolly gladly accepted it.

8 You'll hear Connolly's lifestyle included having two
9 homes, one in Boston and one in Quincy, and a vacation home on
10:42 10 the Cape, and a huge boat, all on a very modest salary. But it
11 was because of the money that James Bulger was paying him.

12 You'll see confirmation that James Bulger was never an
13 informant, because the procedures that were to be followed to
14 set up an informant, as set up by the FBI, were never followed.
15 There wasn't a contract signed by James Bulger. He didn't give
16 his fingerprints and photograph to the FBI, as was required.
17 But Connolly wanted people to believe that James Bulger was an
18 informant. He never told that to Bulger, but he created a
19 file, Connolly did, so he could point to it and say, This file
10:43 20 contains the information I'm getting from James Bulger.

21 The reason Connolly created this file was just to
22 cover up the fact that he was being seen with Bulger so often,
23 that he was meeting with him when Bulger would be providing him
24 money. His file grew to hundreds of pages. But when people,
25 supervisors, in the FBI looked at this file, they said, The

1 information in here is of little value, it's essentially
2 worthless, plus, it appears to be information, junk tips, that
3 were provided to other FBI agents, because the information
4 duplicated what was in these other FBI agents' files.

5 Information from Stevie Flemmi's file in the exact
6 same wording was then put in Bulger's file so that it would
7 appear to be that it was an informant file.

8 Supervisors would come from Washington and look at
9 this and say, This person isn't a Top Echelon Informant, this
10:44 10 information isn't valuable. The information in this file has
11 never led to a single prosecution of anybody. You should take
12 Bulger out of this Top Echelon Informant process.

13 In fact, the person who became the number two FBI
14 agent in Boston looked at the file and said, This person's not
15 an informant, he's doing crimes in Boston, he shouldn't be
16 getting any protection. He even met with James Bulger. And
17 he'll tell you that within ten minutes of meeting with him he
18 realized Bulger wasn't an informant. In fact, he asked Bulger
19 about it, and Bulger denied that he was an informant.

10:45 20 And ask yourself, would an informant be paying tens of
21 thousands of dollars to the agent? Wouldn't it be the other
22 way around, if the agent was paying Bulger for information?
23 And that never happened.

24 But Connolly needed to make it seem like Bulger was
25 his informant.

1 Bulger was invited to dinner with FBI agents, with
2 supervising FBI agents. He got to know them, and they got to
3 know that they, too, could be paid.

4 John Connolly was -- I mean John Morris was John
5 Connolly's supervisor. He was in a little bit of a jam, needed
6 some money, asked Bulger for a loan. Bulger said, Sure, no
7 problem. Gave him \$5,000. Never expected to get the money
8 back, never did get the money back, but got another person that
9 he had on his payroll.

10:46 10 Bulger also gave money to State Police, local police,
11 and he did that consistently.

12 Why would Jim Bulger pay this? Because he wanted
13 information. James Bulger was involved in criminal activities
14 in Boston. He was involved in illegal gaming, meaning selling
15 football cards or other betting games and collecting the
16 proceeds, which is illegal. It's called, in the business,
17 bookmaking. He also lent money to people at very high rates,
18 it's called loansharking. He was involved in drug dealing.
19 These crimes, that's what he did. And in order to protect this
10:47 20 business, he wanted to pay for information and receive it from
21 corrupt law enforcement officers.

22 He wanted information for when there would be a
23 wiretap set up, a situation where a bug is placed in a room or
24 in a car; and in return for these payments, he was told where
25 the bugs were placed.

1 He wanted to know when searches were going to be
2 executed so that he could make sure to clear his stuff out of
3 those locations. And that when the police showed up to execute
4 a search warrant and hopefully find drugs or evidence of
5 illegal gambling or evidence of illegal loans, there was
6 nothing there.

7 He wanted to not be prosecuted for these crimes, which
8 meant that the federal prosecutors would not bring charges
9 against him. They could bring charges against other people,
10:49 10 but not against Jim Bulger.

11 And finally, if he ever was going to be indicted, he
12 wanted a heads up so he could leave town. That's what he was
13 paying for.

14 I've told you that he was alerted to when there were
15 bugs, wiretaps. I've told you that he was alerted when there
16 were searches. You'll also hear that during the period of time
17 covered by this indictment, from 1972 to approximately 1995,
18 James Bulger was never once charged with anything by a federal
19 prosecutor in this town. Not once, not anything.

10:50 20 You'll hear on one occasion an Assistant U.S. Attorney
21 prepared an indictment that involved a plan to fix races at
22 Suffolk Downs, and a whole group of people were listed in that
23 indictment. And it got to the head of the Organized Crime
24 Strike Force that works directly with the FBI in these cases.
25 And the indictment was approved with one exception: James

1 Bulger and Stephen Flemmi's names were taken out of the
2 indictment. The agents were mystified. The young prosecutor
3 was puzzled. That is direct evidence of what James Bulger was
4 paying for, that he would not be prosecuted.

5 Another example is that a very diligent prosecutor
6 worked for months to prepare the complicated evidence that
7 needs to be presented in order for there to be a wiretap. And
8 a wiretap has to be approved by a judge through a very careful,
9 cumbersome process. It took thousands of hours by the FBI and
10:51 10 prosecutors to put this together, and the court issued the
11 wiretap. And then they discovered that the wiretap had been
12 immediately known by James Bulger, and all that work was for
13 nothing. And they became aware of other things, such as
14 searches that expected to turn up evidence but turned up
15 nothing.

16 What will the evidence show was the reaction of the
17 leadership of the United States Attorney's Office and the
18 Strike Force? Was there suddenly a big investigation to find
19 out why this wiretap was compromised or how it was compromised?
10:52 20 Did the Strike Force say, we're going to make this a priority
21 because there's a problem? No, nothing.

22 There was a prosecutor in the United States Attorney's
23 Office here in Boston from 1982 to 1990. He held top positions
24 regarding criminal cases, chief of general crimes. Then later,
25 chief of the entire criminal division. Then later, the number

1 two person in the whole office. His responsibilities included
2 overseeing criminal activity in Boston. He never brought a
3 case against James Bulger during this time. In fact, he has
4 publicly stated in writing that from 1982 to 1990, which is the
5 time period of Bulger's most prolific criminal activity, that
6 he was not aware of a single investigation ever conducted by
7 his office of Jim Bulger. What does that tell you?

8 And the chief of the organized crime unit, Jerry
9 O'Sullivan, he as well never brought a case during this period
10:53 10 against James Bulger.

11 Ladies and gentlemen, I tell you this history from the
12 early '70s until the mid '90s so that you will know the depth
13 of corruption in federal law enforcement that existed during
14 this period, because it puts in context what happened after
15 1994, and this was how James Bulger was able to do illegal
16 gambling, make illegal loans, be involved in drug trafficking
17 and extortion of people, and never, ever be charged, and on top
18 of that, make millions upon millions upon millions of dollars
19 doing so.

10:55 20 Now we get to part two of the saga.

21 By 1994, Jerry O'Sullivan had retired. John Connolly
22 had retired. The person who headed the criminal division had
23 moved on to another job, and now at this point, with a new crew
24 in place, Bulger, Flemmi, Martorano, and a number of others
25 were indicted.

1 Now, the prosecutor, Mr. Kelly, said that when the
2 indictment came down, Mr. Bulger was tipped off, and that's why
3 he fled. Well, that sounds good, but the evidence will show
4 that Mr. Bulger was driving back from a brief vacation, was in
5 his car traveling toward Massachusetts, when he heard on the
6 radio that the federal government had returned an indictment
7 charging various people and were in the process of rounding
8 them up. The tip came from the fact that the prosecution's
9 office had to publicize what they were doing. And in so doing,
10:56 10 Mr. Bulger turned around and did not drive to Massachusetts but
11 drove elsewhere. And that's why he was not arrested in Boston.
12 It was something as mundane as that.

13 He settled in California, not hiding, living openly in
14 plain sight for the next 16 years while those former FBI
15 agents, I submit, pretended to look for him.

16 Now, Flemmi was arrested, John Martorano was arrested.
17 A series of hearings began being conducted in this court, where
18 Stephen Flemmi was contending that he shouldn't be prosecuted
19 because he had been an informant to the FBI and the U.S.
20 Attorney's Office, and that, therefore, he should have
21 immunity. And he said, John Connolly, the FBI agent, was the
22 one who told me I would have immunity, and John Morris would
23 confirm it. And he told his friends that he was incarcerated
24 with, Don't worry, we've got this under control. Connolly will
25 come in and bail us out.

1 But Connolly, instead, took the fifth, and it became
2 apparent that Connolly was not coming in to save them.

3 John Martorano saw the writing on the wall. If Flemmi
4 was not going to be saved by John Connolly, then Flemmi would
5 probably try to cut his losses by offering to testify against
6 people, like John Martorano. And Martorano decided, I will be
7 the first to come in. So John Martorano came in and said that
8 he would meet with the prosecutors and see what he could do to
9 gain assistance in his own problems.

10:59 10 Now, you will hear a lot about John Martorano in this
11 trial. It would be fair to say that he is the scariest
12 criminal, violent psychopath in Boston history. He would kill
13 people almost randomly, just as the mood befit him. He would
14 kill people because they crossed him. He would kill people
15 because he wanted to get their money. He would kill people
16 because he didn't want to pay a gambling debt. He would kill
17 people as easily as we would order a cup of coffee in a store.

18 John Martorano knew that he was in serious trouble,
19 that he had committed so many crimes in his life that it was
11:00 20 inevitable that he would be prosecuted, convicted, and put to
21 death because he had committed crimes in states, including
22 murder, that carried the death penalty.

23 Now, at this point, Stephen Flemmi had lost all
24 credibility because of testimony he had given at the trial.
25 But Martorano knew because he hadn't testified he could be

1 valuable to the prosecution. But he also realized that the
2 prosecution's greatest interest was not in the crimes that
3 Martorano had committed or that Flemmi had committed. Their
4 greatest interest was having Martorano testify against John
5 Connolly.

6 And at this point, remember, Jim Bulger was gone. By
7 this point years had passed, because the hearings had been
8 taking years to be conducted. And there was a question whether
9 Bulger would ever even be seen again. Rumors were that he had
11:01 10 had plastic surgery, doesn't even look the same. Other rumors
11 would say, oh, Bulger's being hidden in a small village in
12 Ireland where they're protecting him. Other people speculated
13 maybe he's dead of natural causes. But most people thought
14 they'd never see him again.

15 But the government had as its primary target John
16 Connolly and had to find a way to get evidence against Connolly
17 and tie Connolly to Bulger.

18 And then Martorano was educated and learned that he
19 could be the bridge from Bulger to Connolly.

11:02 20 You see, Martorano himself had never, ever met John
21 Connolly. He had never spoken to John Connolly. So he's in
22 this predicament where, how can I provide evidence against John
23 Connolly where I've never met the man, spoken to the man, and
24 had no contact with the man in any way? As I say, he was
25 educated, and learned that if he said that James Bulger had

1 told Martorano about a conversation with Connolly, then that
2 conversation could be introduced against Connolly, and that
3 would be Martorano's ticket to get out of this mess.

4 The more corrupt that Martorano could make Connolly
5 and Bulger, the better the deal that Martorano could get.

6 Now, when you're thinking about John Martorano, the
7 most critical thing for you to focus on, I respectfully submit,
8 is Martorano's state of mind.

9 I expect that at some point during the trial, her
11:03 10 Honor may give you an instruction about what state of mind
11 evidence means. It means, what's a person thinking? What's
12 the person planning? What's going through his or her mind
13 before the person is going to do something?

14 And in this case, the evidence related to John
15 Martorano's state of mind, I submit, will be the key to
16 accepting whether he is a credible or not credible witness.

17 John Martorano knew how this process worked. He knew
18 how a gangster could make a deal with the federal government
19 and get an extraordinary benefit if he were to provide
11:04 20 testimony against others.

21 He knew this because he had a good friend who had gone
22 through the process. His good friend was John Barboza --
23 Joseph Barboza, I'm sorry. Barboza was the mentor of
24 Martorano. And so what Martorano wanted to do himself was what
25 Barboza did for himself. And like Barboza, Martorano was just

1 as much a psychopath, a soulless killer without a conscience.

2 So he knew that the FBI and the feds would do anything
3 if he gave them information about the people that they wanted
4 to prosecute. And most importantly what he had learned from
5 Barboza is the information did not have to be true. Because
6 what Barboza had told him is an instance in Barboza's own life.

7 Barboza committed several murders, but the
8 investigators were focusing on one in particular, and Barboza
9 agreed to meet with the FBI. But instead of speaking honestly
11:05 10 and saying that the persons who had committed the murder were,
11 in fact, Joseph Barboza and his accomplice, Stevie Flemmi's
12 brother, he instead said he knew the murders were committed by
13 four members of the Mafia. And he was willing to testify
14 against these four members of the Mafia in the prosecution of
15 these four completely innocent men in regard to this murder.

16 The FBI knew the truth. The FBI knew that it was
17 Barboza himself with an accomplice who had actually done the
18 killing. But because he was providing information against the
19 people in La Cosa Nostra, the FBI was willing to take that
11:06 20 information. And as a result, four completely innocent men in
21 this murder were convicted. Two of them were sentenced to
22 death, two of them received life sentences.

23 It took 30 years before the truth came out and before
24 the FBI was forced to reveal that they knew innocent people had
25 been prosecuted.

1 Two of the men had died in prison, two were released.
2 They brought a suit against the federal government, and the
3 families got a total of \$100 million against the government for
4 this outrageous conduct.

5 But for John Martorano, he saw what Barboza had done,
6 and that's what he decided to do.

7 Barboza ended up doing a short sentence for his own
8 crimes, then was released, continued to do crimes, and
9 continued to be protected by the FBI and the U.S. Attorney's
11:07 10 Office; and that lasted until one day Barboza was assassinated
11 in San Francisco.

12 This is the most important factor in John Martorano's
13 mind. So Martorano sought to get what Barboza did.

14 We all know from our own experience that you can tell
15 how much someone wants something by how much a person is
16 willing to pay. That's pretty straightforward. And sometimes
17 if you really, really want something, you'll pay an
18 extraordinary amount.

19 Let's say you had a Ted Williams baseball that you
11:08 20 bought at a store and someone wants to buy it. How much?
21 \$100. Okay. But I don't want to sell. Well, listen, I'll pay
22 you \$1,000 if you sell it to me and sign a letter that Ted
23 Williams signed for you right in front of you. Well, he
24 didn't, I bought it at a store, I don't know if it's actually
25 his signature. I'll give you \$10,000 if you sell me that

1 baseball and sign a letter saying Ted Williams signed it for
2 you.

3 As that price continues to goes up, it shows two
4 things: human nature, meaning that when the price gets high
5 enough, they'll say anything; and if you really want something,
6 it will be reflected in what you give to get it.

7 So let's apply that to John Martorano.

8 John Martorano was briefed. He acknowledged
9 committing murders. He actually was pretty conservative, but
11:09 10 said, Yup, I'll plead guilty to committing 20 murders,
11 including ones where he would face the death penalty. Yup,
12 I'll plead guilty to 20 of those murders, and I'll plead guilty
13 to being involved in other criminal activity, too. And here's
14 what I want:

15 For killing 20 people in cold blood, I want a sentence
16 of no more than 12 years in prison. I also want to make sure
17 that I'm not going to be prosecuted for the death penalty for
18 killing the person, Roger Wheeler, in Oklahoma. Because
19 Martorano is the person who went to Oklahoma and killed
11:10 20 Mr. Wheeler, the individual's photo was shown a few moments
21 ago.

22 He also wanted a guarantee that he would not be
23 prosecuted for John Callahan's murder. We saw that picture a
24 few moments ago. Because Martorano was the one who went down
25 to Florida, and even though Callahan was his friend, he sat

1 behind him in a van and put a bullet in his head. And in
2 Florida, as in Oklahoma, they kill people who do that.
3 Martorano wanted assurances that that wouldn't happen.

4 He also wanted to make sure that his girlfriend, who
5 had provided sanctuary for him for 16 years, would get a pass,
6 she would not get charged with anything.

7 But then it goes on. Martorano would be allowed to
8 keep property that he had obtained with money he had brazenly
9 earned from criminal activities.

11:11 10 He also said, I don't want to be made to testify
11 against certain people. His brother, Jimmy Martorano, had been
12 committing murders, but John said, If you want my testimony, I
13 won't testify against my brother, and you've got to agree to
14 that. Oh, and my friend, Pat Nee, he's a murderer. I don't
15 want to offer testimony about the murders that he's done.

16 Isn't that enough?

17 When he's held in prison, the federal government put
18 \$6,500 in his account so he could have a nice commissary at the
19 place where he was held.

11:12 20 When he was released, they gave him a \$20,000 check.
21 Thanks for the help.

22 He was allowed to keep \$250,000 that they paid him for
23 movie rights to John Martorano's life.

24 The federal government was so desperate to have John
25 Martorano testify in a manner that they wanted against John

1 Connolly and James Bulger that they basically put their hands
2 up in the air and said, Take anything you want.

3 And the question that you will have to answer, based
4 on this incentive, would someone like John Martorano be willing
5 to lie about James Bulger?

6 The second person who came in is Kevin Weeks, who,
7 like John Martorano, is going to come in the front door of this
8 courthouse when he testifies, because, like Martorano, Weeks
9 also is in our community, free from all restraints.

11:13 10 Weeks said he would agree that he was involved in five
11 murders. And so how many years did he get in return for this?
12 How anxious was the government willing to pay for Kevin Weeks
13 as a witness who would give them testimony against Connolly and
14 Bulger? What do you think is a fair sentence for killing five
15 people? The prosecutors thought a total of five years.

16 If a person were charged with one murder, would he be
17 willing --

18 MR. KELLY: I object to the accuracy of that remark.

19 MR. CARNEY: -- would he be willing to lie?

11:14 20 THE COURT: Sustained as to that.

21 But, Mr. Carney, I think you were moving on anyway.

22 MR. CARNEY: Yes, I was.

23 And he, too, got to keep movie rights that he could
24 sell, book rights.

25 In fact, the government had charged him with extorting

1 someone who had won the lottery and forcing the person to give
2 the ticket to Weeks. They went to court, they proved it, the
3 ticket was given back to the rightful owner. Well, as part of
4 their deal with Weeks, they went into court and said, We were
5 wrong, Weeks really did deserve this money, and they got the
6 court to overturn a judgment so that the lottery winnings that
7 Weeks had extorted from someone could go back.

8 MR. KELLY: Object to the accuracy again, your Honor.

9 MR. CARNEY: Your Honor, we'll see what the evidence
11:15 10 shows.

11 THE COURT: Overruled.

12 You may continue.

13 MR. CARNEY: So Weeks makes his deal. He says, I'll
14 come in, I'll testify completely and truthfully about
15 everything. And they're listening to him. They say, Well, let
16 me ask you something, didn't you use a gun to extort someone
17 once? No. I'm going to give you a polygraph. After the
18 polygraph --

19 MR. KELLY: Judge --

11:15 20 MR. CARNEY: -- same story, Mr. Weeks? No, I guess
21 not.

22 I submit that Kevin Weeks can't tell the truth, even
23 when there is nothing at stake for him.

24 And finally, we turn to the third member of the
25 government's trio of lead witnesses, Stephen Flemmi. He was

1 next into the Department of Justice kitchen to be prepared for
2 when he served here at the trial.

3 Flemmi was himself facing the death penalty, because
4 he was directly involved in the killing in Oklahoma and in
5 Florida. He wanted to get a deal, but he had not so much to
6 bargain with, because he was the third person in the door, not
7 the first or the second.

8 What the government was willing to do is give him his
9 very life. Because instead of his facing the death penalty for
11:16 10 what he did, they obtained agreements from Florida and Oklahoma
11 that he would not face the death penalty there, and he would be
12 placed in prison instead.

13 But his brother, Mike, who is a corrupt Boston police
14 officer, he could potentially get a benefit from Flemmi's deal.
15 He was allowed to keep property and bank accounts that he had
16 obtained --

17 MR. KELLY: I'm going to object to the accuracy of
18 these statements, with respect to --

19 THE COURT: Overruled.

11:17 20 MR. CARNEY: You'll see the plea agreement. And
21 you'll see the page after page list of properties that Flemmi
22 had purchased with illegally obtained money that the government
23 said, Okay, you can hold onto that. And the same with bank
24 accounts. You'll see all of this.

25 And what Flemmi did, I submit, was give what the

1 government wanted about Bulger.

2 At this point, so many years had gone by that it's
3 fair to say that Stevie Flemmi thought he'd never see Bulger
4 again. And what Stevie Flemmi decided to do, I submit, was
5 start blaming Bulger, Jim Bulger, for crimes that Stevie Flemmi
6 himself had carried out.

7 Let me give you three brief examples.

8 You heard about the death of a beautiful young woman
9 named Debbie Davis. Debbie Davis was Stevie Flemmi's
11:18 10 girlfriend for years. Stevie was much older than she was. He
11 was extremely generous to her and her family, and he was very
12 proud that Debbie Davis was his girlfriend. But then he
13 learned that she was cheating on him. He learned who her
14 paramour or secret lover was. He learned that she was mocking
15 Stevie as being an old man, somebody who gave her money; she
16 was going to keep taking his money.

17 Well, when you're dating someone who is a psychopath
18 without a conscience, that's the last thing that person needs
19 to know. And Stevie Flemmi, the evidence will show, decided to
11:19 20 kill her.

21 In fact, Stevie Flemmi spoke to Martorano on one
22 occasion, and Martorano said, What happened with Debbie? And
23 Steve Flemmi said, I strangled her.

24 But what is Stevie Flemmi going to say to you? That
25 even though James Bulger had absolutely no motive whatsoever to

1 kill Stevie Flemmi's girlfriend, Flemmi's going to say, Oh, I
2 didn't kill her, Jim Bulger did.

3 What's another example? Deborah Hussey. Stevie
4 Flemmi had had a relationship with Deborah's mother. And
5 during this time, when Deborah was a teenager, Stevie Flemmi
6 was sexually abusing her, and he did it for years.

7 Her life turned out tragic. She became a drug addict,
8 became a prostitute. Her self-esteem was in the gutter,
9 perhaps because the man she viewed and called her stepfather
11:20 10 was the one having sex with her. And Flemmi was worried. What
11 if she told people? What if she told her mother? And then one
12 day, she did tell her mother, and Flemmi was booted out of the
13 house. Well, if she could tell her mother, what if the police
14 found out? And for Stevie Flemmi, the only way to make
15 absolutely, positively sure that this young woman that he had
16 abused would never speak to the police is he would kill her.
17 When he meets with the government, it's not him, Stevie, who
18 kills her. Once again, Jim Bulger with no motivation, he kills
19 Deborah Hussey, says Flemmi.

11:21 20 And finally, there was an instance where Stevie Flemmi
21 and Paul Rico, who was his former handler in the FBI and who
22 had since retired and now was working security at a World Jai
23 Alai facility in Florida, Flemmi and this corrupt FBI agent,
24 Paul Rico, decided to come up with a plan to take over the
25 World Jai Alai.

1 John Martorano had a friend who worked at World Jai
2 Alai, who had been an accountant, had been skimming the
3 profits.

4 So these four men decided to come up with a plan that
5 they would kill the owner of World Jai Alai and convince the
6 owner's wife to sell them the business, because the owner would
7 not sell it to them.

8 So this corrupt former FBI agent and his former
9 informant, Stevie Flemmi, get together with John Callahan, the
11:22 10 accountant who happens to be a close friend of John Martorano,
11 and they plan to make this happen.

12 So Martorano goes to Oklahoma and kills the president,
13 and then after a falling out with Callahan, goes to Florida and
14 kills Callahan.

15 Bulger was never there and had nothing to do with it,
16 the evidence will show. But now Stevie Flemmi says, Oh, there
17 was a fifth person involved, Bulger.

18 What the evidence will show is that Bulger is a person
19 who had an unbelievably lucrative criminal enterprise in
11:23 20 Boston. He was making millions and millions of dollars. He
21 had people on the local police, the state police, and
22 especially the federal law enforcement on his payroll. He had
23 nothing, no interest, no motivation, no reason to go out of his
24 comfort zone and ever get involved in anything in Florida,
25 where he knew no one.

1 At the end of this case, I'll be asking you the
2 question I asked at the beginning of my opening: Given these
3 three individuals, given their backgrounds, given their
4 character, if that was all you knew, would you believe them
5 beyond a reasonable doubt? But when you add to the recipe the
6 unbelievable incentives the prosecution has given these three
7 men so that they will testify in the manner that the government
8 wants and John Connolly and Jim Bulger, do you believe them
9 beyond a reasonable doubt?

11:25 10 This process may be a pretty good recipe to get
11 testimony, but it's an unreliable recipe to get the truth.

12 Thank you very much.

13 Thank you, your Honor.

14 * * * * *

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16 CERTIFICATION

17 I certify that the foregoing is a correct transcript
18 of the record of proceedings in the above-entitled matter to
19 the best of my skill and ability.

20

21

22

23 /s/Debra M. Joyce
24 Debra M. Joyce, RMR, CRR
25 Official Court Reporter

23 June 12, 2013
24 Date